

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.57338 of 2007
MUNNA SHARMA
Versus
STATE OF BIHAR

3 12/05/2008 Heard.

The petitioner is an accused in Imadpur P.S. Case No. 3/2007 under sections 304-B and 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner married a second wife with the consent of the deceased, the first wife, and she remained with him in her matrimonial house for six months after his marriage with the second wife. So, the question of demand of dowry and for non-fulfilment of the same she has been done to death cannot be believed. The petitioner is in custody since May 2007 i.e. for the last one year.

Learned A.P.P. opposed the prayer and contended that there are materials in the case diary to suggest commission of the offence. Even if the submissions of the defence side is taken to be correct that the second marriage was solemnized with her consent, even then the petitioner being the husband is responsible for the alleged death of the lady who died within three years of marriage.

Considering the fact that a married lady died within three years of her marriage and the husband also performed a second marriage, hence, even if she is assumed to have committed suicide, she died on account of negligence on the part of the husband and hence, the husband does not deserve to be released on bail. His prayer for bail is thus rejected.

The court below is directed to take necessary steps for commitment of the case if not committed as yet and if the commitment is made, the trial court may expedite the trial and conclude the same at the earliest.

(Rekha Kumari, J.)

AMIN

